

CALIFORNIA

- Compulsory Attendance Ages:** “between the ages of 6” by Dec. 2 (§ 48200) and under 18 years of age.” California Education Code § 48200, 48400, 48410.
- Required Days of Instruction:** 175 days, only for public schools.
- Required Subjects:** English and must “offer instruction in the several branches of study required to be taught in the public schools.” Grades 1-6: English, mathematics, social sciences, science, fine arts, health, physical education.

Home School Statute: None.

Alternative Statutes Allowing for Home Schools: Home Schools have 4 options:

Option 1. Under § 48222, the individual home school could qualify as a private school by filing an annual private school affidavit:

- a. the instructors must be capable of teaching;
- b. the instruction must be in English;
- c. the instruction must be in the several branches of study required in public schools;
- d. attendance must be kept in a register; and
- e. a private school affidavit must be filed with the Superintendent of Public Instruction between Oct. 1 and Oct. 15 of each school year. Cal. Educ. Code §§ 33190, 48222.

Option 2. Homeschoolers could enroll in a private school satellite program and “homeschool” through that private school. The private school “satellite school program” (PSP) must comply with Cal. Educ. Code § 48222 (see #1 above). Many homeschool families have organized these private PSPs which enroll anywhere from two to several hundred families.

On August 8, 2008, the California Court of Appeals for the Second Appellate District ruled that “California statutes permit homeschooling as a species of private school education.” The California Appellate Court defined homeschooling as full-time education in the home by a parent or guardian who does not necessarily possess a teaching credential. The Court concluded that the legislative history in California, although somewhat complicated, confirms the Legislature’s intent that homeschools operate as private schools in California. The Court found it significant that education enforcement officials (the Governor of the State of California and the Superintendent of Public Instruction) at both the state and local levels agree that homeschooling may constitute private schools. The Court concluded that the cases

of *Turner* and *Shinn*, that had been used against homeschoolers, were no longer good precedent and would undermine a practice that has been, if not actively encouraged, at least acknowledged and accepted by the officials and the public for many years in California. (*Jonathan L. v. Superior Court*, 81 Cal.Rptr.3d 571, Cal.App. 2 Dist., 2008)

Option 3. The home school could have instruction provided by a certified private tutor (Cal. Educ. Code § 48224).

Option 4. The child could be enrolled in an independent study program at home, using the public school curriculum. Cal. Educ. Code § 51745. Under this option, the child is considered a public school student and has to abide by the rules and policy of the public school.

Teacher Qualifications: None, if home school registers as a private school, or enrolls in a private school satellite program.

Certification is necessary only if the home school parent chooses to qualify as a private tutor.

Standardized Tests: Not required by statute.